



U.S. Department of Justice

*United States Attorney
Southern District of New York***MEMO ENDORSED***Jacob K. Javits Federal Building
26 Federal Plaza
New York, New York 10278*

November 7, 2024

BY ECF

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

USDC SDNY
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Re: *United States v. Robert Birch, a/k/a "Robbie Birch", 23 Cr. 563 (LAK)*

Dear Judge Kaplan:

The Government writes with consent of the defense to provide the Court with an update on the status of the above captioned case and to respectfully request that the conference scheduled for November 13, 2024, be adjourned to a date in January. Since the last conference before this Court, the experts retained by the Government have completed their evaluation of the defendant, which included multiple interviews of the defendant and review of a substantial amount of discovery material, and recently provided a written report. The report was provided to defense counsel this week, who are in the process of reviewing that report with the defense experts. The parties conferred and defense counsel advised the Government that their experts would provide additional analysis in response to the Government's expert reports and hope to do that within the next three weeks. After receiving those materials, the Government will be in a position to complete its consideration of the defendant's mitigation submission and to determine its position on an appropriate resolution. An adjournment until a date in January will allow time for that process to be completed and will enable the parties to provide the Court with a more concrete update on the trajectory of the case.

Accordingly, the Government respectfully requests that time be excluded under the Speedy Trial Act between November 13, 2024 through the next scheduled conference, because the "ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). The Government consulted with

counsel for the defendant, who do not object to the exclusion of time.

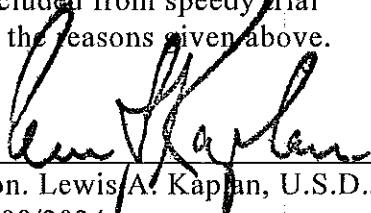
Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

by: /s/
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CC
Counsel of Record

Application granted. The 11/13/2024
conference is adjourned until 1/13/2025 at 4:00
PM. Time from today through and including
1/13/2025 is excluded from speedy trial
calculations for the reasons given above.

So Ordered: 
Hon. Lewis A. Kaplan, U.S.D.J.

Dated: 11/08/2024